



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 30, 1996

Mr. Kevin L. Ferrier
Assistant District Attorney
Smith County Courthouse
Tyler, Texas 75702

OR96-1803

Dear Mr. Ferrier:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 35253.

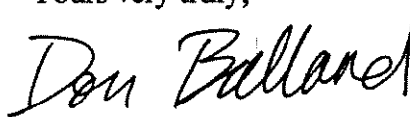
The Smith County District Attorney received a request for all records and documents pertaining to three specific cases. You claim that the requested information is excepted from required public disclosure by sections 552.101, 552.103 and 552.108 of the Government Code. We have considered the exceptions you claim and have reviewed the documents at issue.

Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108; *Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). We note, however, that information normally found on the front page of an offense report is generally considered public. *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), writ *ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Thus, you must release the type of information that is considered to be front page offense report information, even if this information is not actually located on the front page of the offense report. See Open Records Decision No. 127 (1976) (summarizing the types of information deemed public by *Houston Chronicle*); see also Open Records Decision No. 597 (1991) (basic information in an offense report generally may not be withheld under section 552.103). Further, there are documents within the files which have been filed with a court. These documents are also generally considered public. See *Star Telegram, Inc. v. Walker*, 834 S.W.2d 54, 57 (Tex. 1992). We therefore conclude that, except for front page offense report information and any documents which have been filed with a court, section

552.108 of the Government Code excepts the requested records from required public disclosure, although you may choose to release all or part of the information at issue that is not otherwise confidential by law. Gov't Code § 552.007.¹

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you questions about this ruling, please contact our office.

Yours very truly,



Don Ballard
Assistant Attorney General
Open Records Division

JDB/ch

Ref: ID# 35253

Enclosures: Submitted documents
Summary of Open Records Decision No. 127 (1976)

cc: Ms. Maurie Levin
Attorney at Law
P.O. Box 280
Austin, Texas 78767
(w/o enclosures; w/Summary of Open Records Decision No. 127 (1976))

¹Because we are able to make a determination under section 552.108, we do not address your argument under sections 552.101 or 552.103 at this time.